



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

MAR 29 2017

OFFICE OF  
AIR AND WASTE

Reply to: OAW-150

Mr. Chris Myers  
PCC Structural, Large Parts Campus  
4600 Southeast Harney Drive  
Portland, Oregon 97206

Re: Self-implementing Cleanup and Risk-based Disposal Approvals for the PCC Structural, Large Parts Campus, TSCA ID No. ORD 00902 7970

Dear Mr. Myers:

This letter is in response to the supplemental notice of self-implementing cleanup and request for a risk-based disposal approval provided to the U.S. Environmental Protection Agency (EPA) on July 25, 2016, by Landau Associates on behalf of PCC Structural (Reference 1). This letter constitutes approval under the authority of 40 Code of Federal Regulations (C.F.R.) § 761.61(a) and (c) for the cleanup, sampling and disposal of certain polychlorinated biphenyl (PCB) remediation wastes at the PCC Structural, Large Parts Campus (PCC) in Portland, Oregon. More specifically, this letter constitutes approval under the self-implementing cleanup authority of 40 C.F.R. 761.61(a) to conduct cleanup of Areas A and B East. In addition, this letter constitutes a risk-based disposal approval for the cleanup, verification sampling and disposal of PCB remediation waste at Area B West, including acceptance of completed interim soil removal measures.

#### Self-Implementing Cleanup Approval

As stated in 40 C.F.R § 761.61(a), cleanup of areas A and B East must be in accordance with all applicable requirements of 40 C.F.R § 761.61(a)(1) through (9). A checklist documenting these requirements is provided in Enclosure 3 for your convenience. To assist you in completing the cleanup successfully, we have placed an "X" in the margin of the checklist to identify specific requirements for which your notice is deficient in describing how you plan to comply with the cited regulatory requirements. Explanatory comments about each of the deficient areas are noted in bold italics following the regulatory citation. You must prepare a cleanup completion summary report that describes how you conducted the cleanup in accordance with the applicable regulatory requirements, including those marked with an "X" on the enclosure. You must send a copy of the cleanup completion summary report to me within 60 days after certificates of disposal are received and final verification sample results validation is completed.

The EPA notes that PCC's supplemental notice of self-implementing cleanup states that Area C is composed of paved surfaces and no PCB source has been identified in the vicinity of the discrete sample location. The notice does state that previous sampling had identified a single area of accumulated debris containing PCBs at 114 ppm. These debris were removed and the area cleaned by dry ice blasting in April, 2016, prior to submission of the supplemental notice. In addition, new asphalt was placed to

prevent re-accumulation of debris in this area and to promote storm water drainage away from the building adjacent to Area C. A visual survey of Area C was conducted in July 2016 to determine if additional debris had accumulated since the dry-ice blasting in April 2016; no debris was identified. PCC states that there is no PCB remediation waste present in Area C and no further action beyond sampling of any additional surface debris that may accumulate is necessary. The supplemental notice did acknowledge that no original source area was associated with the accumulated debris. Therefore, the EPA will require PCC to conduct additional storm water sampling in coordination with Oregon Department of Environmental Quality (ODEQ) requirements (Reference 5) to determine whether additional source areas may exist that could adversely impact storm water and that may require additional characterization under TSCA. Upon review and approval by the EPA, the approved monitoring plan will be incorporated by reference into this approval.

The supplemental notice also states that PCBs above the self-implementing cleanup level of 1.0 ppm have not been identified in soils associated with Area D. On this basis, PCC is not proposing any additional action at Area D.

#### **Risk-Based Disposal Approval for Area B West.**

This letter also constitutes a risk-based disposal approval for PCC to conduct the cleanup, verification sampling, and disposal of bulk PCB remediation waste associated with Area B West, including acceptance of completed interim soil removal measures, under the risk-based disposal authority of 40 C.F.R. § 761.61(c), subject to the conditions below.

The EPA notes that cleanup of Areas A-D are concurrently subject to cleanup under the ODEQ cleanup program pursuant to Oregon Administrative Rules Chapter 340 Division 122, Sections 010 to 0140; and Oregon Revised Statutes 465.200 through 465.455. At such time as ODEQ makes a final cleanup decision for the facility, the EPA will review the Oregon cleanup requirements with respect to those imposed according to this approval. If the ODEQ cleanup decision or the supporting record provide a basis for the EPA to determine that cleanup according to the current approval may pose an unreasonable risk of injury to health or the environment, the EPA reserves the right to modify this approval to establish such additional cleanup requirements as necessary to ensure satisfaction of the no unreasonable risk standard.

#### **Background**

On July 1, 2015, PCC submitted a Notice and Certification of Self-Implementing Cleanup letter to the EPA (Reference 2). The letter and its attached work plan proposed self-implementing cleanup under a high occupancy classification as defined in 40 CFR 761.3. The EPA conditionally approved the proposed self-implementing cleanup for Area A and requested additional characterization in Areas B, C, and D (Reference 3).

On April 23, 2016, soil was removed from the westernmost grid of Area B West as part of an interim soil removal measure. The soil removal was completed during a scheduled shutdown of the Steel Building transformers. This work was conducted on a voluntary basis without written approval, although PCC did coordinate these activities with the EPA at the project manager level.

The results from verification sampling for Area A and from additional characterization sampling and assessment for the remaining areas that occurred pursuant to the approved July 2015 notice were documented in PCC's July 25, 2016, supplemental notice and request for a risk-based disposal approval.

In this supplemental notice, PCC presented their analysis that Areas A-D could not practicably be cleaned up to the high-occupancy standards of 40 C.F.R. § 761.61(a), but that these areas meet the definition of low-occupancy areas at 40 C.F.R. § 761.3<sup>1</sup>. PCC also documented that verification sampling from initial cleanup of Area A did not demonstrate satisfaction of approved cleanup levels assuming high occupancy, and that additional cleanup was needed. Approval of self-implementing cleanup via this letter for Areas A and B East is based on the EPA's acceptance of PCC's analysis that these levels meet the definition of low-occupancy areas. Further discussion of PCC's analysis is documented in the Statement of Basis to this approval.

The EPA's Office of Land and Emergency Management (OLEM) policy states that all cleanups should be protective of human health and the environment, which extends to the environmental footprint of cleanup activities. Accordingly, the EPA requests that PCC review Section 6 of the ASTM Standard Guide for Greener Cleanups (Active Standard ASTM E2893-16e1) to identify Best Management Practices (BMPs) which may be applicable to the PCC cleanup and implement those practices which PCC identifies as being feasible to implement. The cleanup completion report required by Condition 6 of this approval should include a section on BMP Documentation, as described in Section 6.6.5 of the ASTM Standard.

This written decision for a risk-based method for the cleanup, sampling, and disposal of PCB remediation waste in Area B West is based on PCC's application for an RBDA and notice of self-implementing cleanup (Reference 1) and the documentation identified in Enclosure 1. This written decision is issued to PCC, the owner and operator of the Large Parts Campus facility, who has overall responsibility for implementation of this authorized work. All sections of the RBDA application, including those referenced in this approval, are incorporated by reference. In granting this approval, the EPA finds that the proposed cleanup and verification of PCB remediation waste, subject to the conditions below, will not pose an unreasonable risk of injury to health or the environment. PCC shall ensure that activities conducted pursuant to this approval are in full compliance with conditions of the approval. The terms and conditions of this approval are established pursuant to 40 C.F.R. § 761.61(c) and are enforceable under TSCA. Any actions which deviate from the terms and conditions of this approval may result in administrative, civil, or criminal enforcement in accordance with Sections 16 and 17 of TSCA, 15 U.S.C. §§ 2615 and 2616.

## Conditions

1. PCC is authorized to complete cleanup of Area B West as documented in Section 8.2 of PCC's RBDA application (Reference 1).
2. Within 60 days of completion of work under Condition 1, PCC shall record on the property deed or another document easily accessible in a title search information documented in Section 8.8 of the RBDA application (Reference 1). A signed certification that this recording has been completed shall be provided to the EPA within 60 days of recording.

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<sup>1</sup> The EPA accepts PCC's analysis that Area D meets the definition of a low-occupancy area, but notes that the documented PCB concentrations in soils are consistent with the more-stringent self-implementing cleanup requirements for high-occupancy areas.

3. Within 60 days of completion of work under Condition 1, PCC shall provide the EPA with a copy of the catch basin and storm water monitoring plan documented in the "Monitoring" section of ODEQ's letter to PCC (Reference 5). The plan shall include a proposed schedule for conducting all work, including reporting. The EPA intends reporting pursuant to this monitoring plan to include electronic and manipulatable (e.g. spreadsheet) copies of the analytical monitoring. Upon review and approval by the EPA, the approved monitoring plan will be incorporated by reference into this approval.
4. PCC shall perform an annual inspection of the cap for deterioration, cracks, or other factors that may impact its integrity or function. Annual inspections shall occur no later than the anniversary date of completion of field work under this approval. Any necessary repairs shall begin within 72 hours of discovery or such other time as PCC becomes aware of the need for repairs, and will be completed in as timely a manner as practicable consistent with worker safety considerations. PCC shall maintain records of such inspections and all repairs. These records shall be made available to the EPA upon request and shall be maintained until final closure of the facility.
5. All equipment and structures that have been in contact with liquid or non-liquid PCB remediation waste subject to this approval must be disposed of or decontaminated following the completion of work under this approval. All disposable equipment or materials must be disposed of in a facility permitted, licensed, or registered by a State to manage municipal solid waste subject to 40 C.F.R. Part 258, or municipal non-hazardous waste subject to 40 C.F.R. §§ 257.5 through 257.30, as applicable. Non-disposable equipment and structures must be decontaminated using mechanical means or pressure washing to achieve a "clean debris surface" as defined in 40 C.F.R. § 268.45, Table 1, footnote 3.

PCC will ensure that any decontamination conducted pursuant to this approval will be in compliance with the requirements of 40 C.F.R. 761.79(e)-(g).

6. No later than 60 days following completion of field work, PCC must provide the EPA with a written project completion report documenting compliance with requirements of this approval.
7. PCC will ensure that all field work associated with this project conducted by PCC or contractors is conducted under written site-specific health and safety plans. PCC will ensure that these plans document appropriate training and personal protective equipment required for all personnel who may be exposed to PCBs during work associated with this project. PCC will make available copies of such plans to the EPA upon request.
8. PCC will ensure that a copy of this approval is provided to contractors responsible for conducting work subject to requirements of the approval. PCC will ensure that any contracts it issues are consistent with the requirements of this approval. PCC is responsible for ensuring compliance with this TSCA RBDA and all applicable requirements of 40 C.F.R. Part 761.
9. PCC shall complete work required by Conditions 1-2 within six (6) months of the effective date of this approval, or at such other time as approved by the EPA. Work under the monitoring plan required by Condition 3 shall be completed in accordance with the schedule in the approved plan. With respect to the requirements of Conditions 4, and 11-13, this approval shall remain in effect indefinitely.

10. Nothing in this approval relieves PCC of any obligation to comply with any other EPA or Oregon Department of Environmental Quality administrative action, or any statutory requirements, or rules or regulations applicable to the activities subject to this approval.
11. Within seven (7) days following the effective date of this approval, PCC will provide the EPA with written or e-mail notice of its project manager responsible for overall implementation of work subject to this approval. The initial EPA TSCA project manager is identified in Condition 14. The respective project managers will be responsible for timely and routine communication regarding implementation of this approval, including notification pursuant to Condition 12.
12. If at any time before, during, or after conduct of activities subject to this approval, PCC possesses or is otherwise made aware of any data or information (including but not limited to site conditions that differ from those presented in the application) that activities approved herein may pose an unreasonable risk of injury to health or the environment, PCC must report such data or information via facsimile or e-mail to the EPA within five (5) working days at the project manager level, and in writing to the Regional Administrator within thirty (30) calendar days of first possessing or becoming aware of such data or information. At his or her sole discretion, the EPA project manager may waive the written reporting requirement for those issues that are determined to be minor or can be timely resolved without modification of this Approval. PCC shall also report in the same manner, new or different information related to a condition or any element of the approved activities if the information is relevant to this approval. The EPA may direct PCC to take such actions it finds necessary to ensure the approved storage activities do not pose an unreasonable risk of injury to health or the environment. PCC shall follow such direction until written approval is obtained from the EPA that finds the condition(s) requiring such direction no longer poses an unreasonable risk of injury to health or the environment.
13. The EPA reserves the right to modify or revoke this approval based on information provided pursuant to Condition 12, or any other information available to the EPA that provides a basis to conclude that activities covered by this approval pose an unreasonable risk of injury to health or the environment. PCC may request modification of this approval by providing a written request to the EPA. If the EPA agrees with a request for modification, the EPA will provide written approval to PCC. Prior to obtaining written approval of a modification request, PCC shall comply with the existing approval conditions.
14. Submissions required by this approval shall be provided to the EPA as follows:

Mr. Timothy B. Hamlin  
Director  
Office of Air and Waste  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 900, MS OAW-150  
Seattle, Washington 98101  
E-mail: hamlin.tim@epa.gov  
Facsimile: (206) 553-8509

With copies to the EPA Project Manager:

Dr. Dave Bartus  
Office of Air and Waste  
EPA, Region 10  
1200 Sixth Avenue, Suite 900, MS OAW-150  
Seattle, Washington 98101  
E-mail: bartus.dave@epa.gov  
Facsimile: (206) 553-8509

Should you have any questions or comments, please contact Dave Bartus at (206) 553-2804 or bartus.dave@epa.gov.

Sincerely,



Timothy B. Hamlin  
Director

Enclosures

1. References
2. Statement of Basis
3. PCB Remediation Waste Self-Implementing On-Site Cleanup and Disposal Guidelines

cc: Ms. Della Fawcett, RG  
Landau Associates

Mr. Paul Seidel  
Oregon Department of Environmental Quality, Northwest Region

**Enclosure 1**  
**References**

1. Report, "Supplemental PCB Self-Implementing Notice to EPA, PCC Large Parts Campus," Landau Associates, dated July 25, 2016.
2. Letter, "Notice and Certification of Self-Implementing Cleanup, PCC Structurals, Inc. Large Parts Campus," Notice and Certification of Self-Implementing Cleanup, PCC Structurals, Inc. Large Parts Campus," Jay P. Bower and Della M. Fawcett," Landau Associates, Inc. to Dave Bartus, EPA Region 10, dated July 1, 2015.
3. Letter, "Notice and Certification of Self-Implementing Cleanup, PCC Structurals, Inc., Large Parts Campus," Kelly McFadden, EPA to Jay P. Bower and Della M. Fawcett," Landau Associates, Inc., dated July 24, 2015.
4. Letter, "PCB Self-Implementing Interim Cleanup Plan, Area B West, PCC Large Parts Campus," Jay P. Bower and Della M. Fawcett," Landau Associates, Inc. to Dave Bartus, EPA Region 10, dated April 19, 2016.
5. Letter, "Supplemental PCB Self-Implementing Notice to EPA, PCC Structurals – Large Parts Campus, ESCI #274," Paul Seidel, ODEQ to Chris Myers, PCC Structurals, dated October 31, 2016.





## **Enclosure 2 Statement of Basis**

This statement of basis is applicable the EPA's risk-based disposal approval for cleanup of Area B West.

PCC's original notice of self-implementing cleanup proposed to conduct additional characterization sampling in Area B, with samples divided between the eastern and western portions of Area B. The eastern area, subsequently identified as Area B East, is an open vegetated slope. The western area, subsequently identified as Area B West, consists of a slope underneath a transformer and electrical equipment platform. Sampling of Area B West as outlined in PCC's original notice of self-implementing cleanup was conducted on August 19 and 20, 2015. Sampling results indicated that source removal was necessary in order to meet the soil cleanup levels for low-occupancy areas.

Because soils associated with Area B West are located below energized high-voltage electrical equipment, PCC determined that safety concerns limited access to these soils for cleanup activities while this equipment remained energized. To take advantage of a scheduled annual maintenance shutdown of the electrical equipment, PCC provided the EPA with a draft technical memorandum (Reference 4) outlining proposed interim source removal activities. The proposed interim measures were discussed between the EPA and PCC at the project manager level, but no formal written approval was provided. The proposed interim measures, including verification, were conducted on April 23, 2016.

Cleanup verification samples collected following interim measures soil excavation demonstrated that the 100 mg/kg cleanup level applicable to low-occupancy areas was met, and that capping under the low-occupancy criteria can proceed in the area. However, due to the location of Area B West underneath the transformers for the Large Parts Campus (LPC), access to the area for traditional capping purposes (e.g., six inches of asphalt or concrete) is precluded. PCC has proposed an alternate cap design based on concrete cloth that is practicable to install in the confined area associated with Area B West, and will be effective in preventing or minimizing human exposure, infiltration of water, and erosion. This approval provides authorization under the authority of 40 C.F.R. § 761.61(c) based on a finding that the cap design, installation, and associated long-term care requirements do not pose an unreasonable risk of injury to health or the environment. Institutional controls (i.e., deed restrictions) will also be established for the area once the capping process is complete.

### **The EPA's Evaluation of PCC's Risk-Based Disposal Approval Application**

In evaluating PCC's request for an RBDA, the EPA has considered the following issues:

- Summary of TSCA Requirements;
- Scope of the requested approval;
- Specific elements of the cleanup project;
- Relationship to Oregon Department of Environmental Quality Cleanup Activities

## **Summary of TSCA requirements**

As discussed in the section “Scope of the Requested Approval,” soils impacted by spills or releases of PCBs within the project area are generally considered to meet the definition of PCB remediation waste and are subject to the requirements for sampling, cleanup, and disposal of PCB remediation waste at 40 C.F.R. § 761.61. Under 40 C.F.R. § 761.61, spills or releases of PCBs may be sampled, cleaned up, stored or disposed using the self-implementing procedures of 40 C.F.R. § 761.61(a), PCB remediation waste may be disposed of (or in some cases, managed) under the performance-based standards of 40 C.F.R. § 761.61(b), or the sampling, cleanup, storage and disposal of PCB remediation waste may be conducted under a risk-based disposal approval issued by the EPA pursuant to 40 C.F.R. § 761.61(c). With respect to Areas A and B East, the self-implementing authority of 40 C.F.R. § 761.61(a) is applicable. However, for Area B West, PCC is electing to seek approval under the risk-based disposal authority of 40 C.F.R. § 761.61(c).

Although Areas C and D are potentially subject to the self-implementing authority of 40 C.F.R. § 761.61(a), PCC is not proposing any cleanup in these areas based on a comparison of characterization data to applicable self-implementing cleanup levels.

## **Scope of the requested approval**

Under TSCA, soils within Area B West that have been impacted by PCBs satisfy the definition of “PCB Remediation Waste” at 40 C.F.R. § 761.3. This definition includes the following elements:

- Materials disposed of prior to April 18, 1978, that are currently at concentrations  $\geq$  50 ppm PCBs, regardless of the concentration of the original spill;
- Materials which are currently at any volume or concentration where the original source was  $\geq$  500 ppm PCBs beginning on April 18, 1978, or  $\geq$  50 ppm PCBs beginning on July 2, 1979; and
- Materials which are currently at any concentration if the PCBs are spilled or released from a source not authorized for use under [40 C.F.R Part 761].

The TSCA regulations include a provision at 40 C.F.R. 761.50(b)(3)(iii) that states:

“The owner or operator of a site containing PCB remediation waste has the burden of proving the date that the waste was placed in a land disposal facility, spilled, or otherwise released into the environment, and the concentration of the original spill.”

PCC’s RBDA application does not provide documentation of either the source concentration or the date(s) of spills or releases that have impacted Areas B West. In these circumstances, the EPA conservatively assumes that all media/materials affected by a spill or release meet the definition of PCB remediation waste, and must be cleaned up and disposed of according to the requirements of 40 C.F.R. § 761.61. On this basis, the EPA considers all soils impacted by spills or releases to meet the definition of PCB remediation waste and subject to cleanup pursuant to 40 C.F.R. § 761.61.

## **Specific elements of the cleanup project**

Characterization and cleanup activities subject to the requirements of 40 C.F.R. § 761.61 at Area B West can be generally divided into the following categories:

- Initial and supplemental characterization for purposes of defining the nature and extent of contamination;
- Cleanup levels;
- Interim Soil Removal Activities;
- Cap design and installation;
- Post-cleanup inspection and maintenance;
- Catch basin and storm water monitoring.

The following section provides an overview and evaluation of each of the project activities in the remaining categories identified above, the specific TSCA regulatory authority that authorizes work within each category, and for work subject to this RBDA, the principle source of requirements used by the EPA to establish specific requirements under the RBDA.

#### Initial and supplemental characterization for purposes of defining the nature and extent of contamination

PCC has documented the sampling and analysis activities that it conducted to characterize the nature and extent of PCB contamination in Area B West in the original Notice and Certification of Self-Implementing Cleanup (Reference 2). The EPA accepts this work as satisfying the no unreasonable risk standard of 40 C.F.R. § 761.61(c) with respect to characterizing the nature and extent of contamination for purposes of establishing soil excavation requirements.

#### Cleanup levels

PCC proposed use of soil cleanup levels applicable to low-occupancy areas under the self-implementing cleanup procedures of 40 C.F.R. § 761.61(a). Although PCC's original Notice and Certification of Self-Implementing Cleanup (Reference 2) was based on cleanup levels for high-occupancy levels, the EPA accepts PCC's demonstration in the Supplemental Notice and Certification of Self-Implementing Cleanup (Reference 1) that access and use of Area B West is consistent with the definition of "low occupancy area" at 40 C.F.R. § 761.3, particularly considering the proximity to energized high-voltage electrical equipment. When combined with the approved final cover and associated inspection and maintenance requirements, these cleanup levels will be sufficient to meet the no unreasonable risk standard for the principle exposure pathways of direct contact, and erosion and associated migration through the surface water pathway. The approved cap will also prevent migration of PCBs through air dispersal of contaminated soil. Although based on the self-implementing cleanup level in 40 C.F.R. § 761.61(a), the EPA is accepting this cleanup level under the authority of 40 C.F.R. § 761.61(c) and the corresponding no unreasonable risk standard.

#### Interim Soil Removal Activities

As noted in the Introduction section above, excavation of contaminated soils in Area B West and completion of post-excavation verification sampling was completed as part of interim measures documented in Reference 4. This work was informally discussed with the EPA at the project manager level, but did not receive formal written approval prior to the start of work based on the necessity to

coordinate work with planned shutdown of high-voltage electrical equipment associated with Area B West. The EPA is accepting the results of this work, including verification sampling and analysis, disposal of excavated PCB remediation waste and associated decontamination, as documented in the interim measure technical memorandum and the supplemental notice of self-implementing cleanup (Reference 5), as meeting the no unreasonable risk standard under the authority of 40 C.F.R. § 761.61(c).

#### Cap design and installation

As discussed above, cleanup of Area B West has been completed to levels applicable to low-occupancy areas with a cap. PCC's supplemental notice documents that traditional concrete applications, including shotcrete, would be difficult to uniformly apply due to the sloping and inaccessible nature of the area to be capped. Similarly, an asphalt cap would also be difficult to place. Additionally, both poured concrete and shotcrete and asphalt caps would add a significant amount of weight to the slope surface, which may cause settling of the underlying soils. For these reasons, a concrete cloth was selected as the most feasible solution for cap construction that will effectively protect workers and the environment. It is also expected to provide a better seal around perforations for electrical conduits than a poured concrete slab.

Section 8.2 of the supplemental notice (Reference 1) provides more specific technical details of the proposed design and construction materials, as well as documentation that the proposed cover meets the performance standards of 40 C.F.R. § 264.310(a) for a cap, as referenced by self-implementing cleanup requirements for a cap at 40 C.F.R. § 761.61(a)(7), as well as with the technical requirements for cap permeability in 40 C.F.R. § 761.75 (b)(1)(ii). Although the requirement for and standards applicable to the cap are based on those in the self-implementing cleanup requirements, the EPA is establishing them under this approval pursuant to the risk-based disposal authority of 40 C.F.R. § 761.61(c).

#### Post-cleanup inspection and maintenance

Section 8.2 of PCC's supplemental notification documents that PCC will establish a deed notification indicating the presence of a cap at Area B West, and the requirement to maintain the cap. Although the supplemental notice does not include any long-term inspection or maintenance requirements, the EPA believes that they are essential to maintaining the integrity of the cap, and to ensure that it continues to ensure there is no exposure to or migration of PCBs remaining under the cap. Therefore, the EPA is establishing an annual inspection requirement, as well as maintenance and recordkeeping requirements. These requirements are established to ensure satisfaction of the no unreasonable risk standard of 40 C.F.R. § 761.61(c).

#### Catch basin and storm water monitoring

PCC's supplemental notice documents that "To investigate potential sources of PCBs in storm water, ODEQ directed PCC to collect storm water and catch basin solids samples from storm water system catch basins (...) the sampling was performed in January and June 2014." Additional sampling was conducted by the City of Portland, and by PCC at the direction of ODEQ (See Sections 3.2 and 3.3 of the supplemental notice, respectively). As documented in Section 3.4 of the supplemental notice, these results, combined with upland PCB source characterization and two additional rounds of catch basin and storm water sampling, Areas A-D were identified as warranting cleanup. The EPA agrees with the identification of Areas A-D. Although Areas A, B East, C and D are subject to the self-implementing cleanup standards of 40 C.F.R. § 761.61(a), the EPA expects that these standards will be effective in preventing future migration of any residual PCBs that would adversely affect storm and surface water.

Similarly, the EPA expects that the risk-based disposal approval for Area B West will also prevent migration of residual PCBs. However, the supplemental notice did acknowledge that no original source area is associated with the accumulated debris in Area C. Similarly, there may be additional source areas not identified during the original rounds of storm water and catch basin sampling that could serve as an on-going source area. Therefore, the EPA will require PCC to conduct additional storm water sampling in coordination with ODEQ requirements (Reference 5) to determine whether additional source areas may exist that could adversely impact storm water and that may require additional characterization under TSCA. Based on the results of this additional sampling, the EPA will evaluate whether or not additional work under TSCA is required to meet the no unreasonable risk standard with respect to storm water, or any other pathway or receptor that may be identified. The EPA is establishing this requirement under the authority of 40 C.F.R. § 761.61(c) as necessary to meet the TSCA no unreasonable risk standard.

### **Relationship to Oregon Department of Environmental Quality Cleanup Activities**

The EPA notes that cleanup of Areas A-D are concurrently subject to cleanup under the Oregon Department of Environmental Quality Cleanup program pursuant to Oregon Administrative Rules Chapter 340 Division 122, Sections 010 to 0140; and ORS 465.200 through 465.455. At such time as ODEQ makes a final cleanup decision for the facility, the EPA will review the Oregon cleanup requirements with respect to those imposed according to this approval. If the ODEQ cleanup decision or the supporting record provide the EPA with a basis that cleanup according to the current approval may pose an unreasonable risk of injury to health or the environment, the EPA reserves the right to modify this approval to establish such additional cleanup requirements as necessary to ensure satisfaction of the no unreasonable risk standard.

### **Discussion of Conditions**

1. PCC is authorized to complete cleanup of Area B West as documented in Section 8.2 of PCC's RBDA application (Reference 1).

This condition establishes approval to conduct installation of the cap in Area B West, and to conduct subsequent monitoring and reporting. As discussed in the Statement of Basis section, the EPA is approving an alternative cap design to the standards applicable to self-implementing cleanups. This alternate cap design is being approved under risk-based disposal authority.

2. Within 60 days of completion of work under Condition 1, PCC shall record on the property deed or another document easily accessible in a title search information documented in Section 8.8 of the RBDA application (Reference 1). A signed certification that this recording has been completed shall be provided to the EPA within 60 days of recording.

Because PCBs are at levels that, under self-implementing cleanup regulations, require a cap, which in turn requires a deed notice, the EPA is imposing a recorded notice requirement.

3. Within 60 days of completion of work under Condition 1, PCC shall provide the EPA with a copy of the catch basin and storm water monitoring plan documented in the "Monitoring" section of ODEQ's letter to ODEQ (Reference 5). The plan shall include a proposed schedule for conducting all work, including reporting. The EPA intends reporting pursuant to this monitoring plan to include electronic and manipulatable (e.g. spreadsheet) copies of the analytical monitoring. Upon review and

approval by the EPA, the approved monitoring plan will be incorporated by reference into this approval.

As discussed in the Statement of Basis section, the EPA has determined that it is necessary to conduct additional catch basin and storm water monitoring, which is required by this condition. By basing the monitoring plan requirements on those specified by ODEQ, the EPA intends to minimize overlap or duplication of work under the two programs.

4. PCC shall perform an annual inspection of the cap for deterioration, cracks, or other factors that may impact its integrity or function. Annual inspections shall occur no later than the anniversary date of completion of field work under this approval. Any necessary repairs shall begin within 72 hours of discovery or such other time as PCC becomes aware of the need for repairs, and will be completed in as timely a manner as practicable consistent with worker safety considerations. PCC shall maintain records of such inspections and all repairs. These records shall be made available to the EPA upon request and shall be maintained until final closure of the facility.

Work under this condition will ensure that the cap for Area B West will retain its integrity and function as evaluated as the basis for this approval. The EPA notes that the time frame established for initiation of repairs is consistent with parallel requirements for self-implement cleanups under 40 C.F.R. § 761.61(a). This condition is, however, established under the authority of 40 C.F.R. § 761.61(c).

5. All equipment and structures that have been in contact with liquid or non-liquid PCB remediation waste subject to this approval must be disposed of or decontaminated following the completion of work under this approval. All disposable equipment or materials must be disposed of in a facility permitted, licensed, or registered by a State to manage municipal solid waste subject to 40 C.F.R. Part 258, or municipal non-hazardous waste subject to 40 C.F.R. §§ 257.5 through 257.30, as applicable. Non-disposable equipment and structures must be decontaminated using mechanical means or pressure washing to achieve a “clean debris surface” as defined in 40 C.F.R. § 268.45, Table 1, footnote 3.

PCC will ensure that any decontamination conducted pursuant to this approval will be in compliance with the requirements of 40 C.F.R. 761.79(e)-(g).

This condition ensures that all equipment, such as tools and equipment used for installation of the cap in Area B West and sampling equipment are appropriately managed during and following completion of approved activities.

6. No later than 60 days following completion of field work, PCC must provide the EPA with a written project completion report documenting compliance with requirements of this approval.

This condition ensures that documentation is available that provides a record for the EPA to evaluate compliance with requirements of this approval.

7. PCC will ensure that all field work associated with this project conducted by PCC or contractors is conducted under written site-specific health and safety plans. PCC will ensure that these plans document appropriate training and personal protective equipment required for all personnel who may be exposed to PCBs during work associated with this project. PCC will make available copies of such plans to the EPA upon request.

This condition ensures that work will be conducted in a safe manner that meets the no unreasonable risk standard of 40 C.F.R. § 761.61(c)

8. PCC will ensure that a copy of this approval is provided to contractors responsible for conducting work subject to requirements of the approval. PCC will ensure that any contracts it issues are consistent with the requirements of this approval. PCC is responsible for ensuring compliance with this TSCA RBDA and all applicable requirements of 40 C.F.R. Part 761.

These condition emphasizes PCC's responsibility for acts or omissions of its contractors, and that work conducted by PCC's contractors must be consistent with requirements of this approval.

9. PCC shall complete work required by Conditions 1-3 within six (6) months of the effective date of this approval, or at such other time as approved by the EPA. With respect to the requirements of Conditions 3, 4, and 11-13, this approval shall remain in effect indefinitely.

This condition ensures that approved activities are conducted in a timely manner, and that appropriate conditions of the approval remain in effect during the post-construction period.

10. Nothing in this approval relieves PCC of any obligation to comply with any other EPA or Oregon Department of Environmental Quality administrative action, or any statutory requirements, or rules or regulations applicable to the activities subject to this approval.

This condition establishes that this approval under TSCA does not relieve PCC of any other obligation that it may have with respect to the approved activities.

11. Within seven (7) days following the effective date of this approval, PCC will provide the EPA with written or e-mail notice of its project manager responsible for overall implementation of work subject to this approval. The initial EPA TSCA project manager is identified in Condition 14. The respective project managers will be responsible for timely and routine communication regarding implementation of this approval, including notification pursuant to Condition 12.

This condition establishes points of contact for PCC and the EPA individuals principally responsible for implementation and oversight, respectively, of this approval.

12. If at any time before, during, or after conduct of activities subject to this approval, PCC possesses or is otherwise made aware of any data or information (including but not limited to site conditions that differ from those presented in the application) that activities approved herein may pose an unreasonable risk of injury to health or the environment, PCC must report such data or information via facsimile or e-mail to the EPA within five (5) working days at the project manager level, and in writing to the Regional Administrator within thirty (30) calendar days of first possessing or becoming aware of such data or information. At his or her sole discretion, the EPA project manager may waive the written reporting requirement for those issues that are determined to be minor or can be timely resolved without modification of this Approval. PCC shall also report in the same manner, new or different information related to a condition or any element of the approved activities if the information is relevant to this approval. The EPA may direct PCC to take such actions it finds necessary to ensure the approved storage activities do not pose an unreasonable risk of injury to health or the environment. PCC shall follow such direction until written approval is obtained from the EPA that finds the condition(s) requiring such direction no longer poses an unreasonable risk of injury to health or the environment.

This condition ensures that if any information not available to the EPA at the time this approval is issued becomes known, it will be promptly made available to the EPA for purposes of ensuring that activities subject to this approval continue to pose no unreasonable risk of injury to health or the environment. This condition also ensures the EPA's ability to make changes to the approved activities, including withdrawing approval, as necessary to ensure no unreasonable risk of injury to health or the environment.

13. The EPA reserves the right to modify or revoke this approval based on information provided pursuant to Condition 12, or any other information available to the EPA that provides a basis to conclude that activities covered by this approval pose an unreasonable risk of injury to health or the environment. PCC may request modification of this approval by providing a written request to the EPA. If the EPA agrees with a request for modification, the EPA will provide written approval to PCC. Prior to obtaining written approval of a modification request, PCC shall comply with the existing approval conditions.

This condition establishes a mechanism whereby this approval may be modified by PCC, either independently initiated or upon request to the EPA.

Condition 13, not restated here, is self-explanatory.



## Enclosure 3

### **PCB Remediation Waste Self-Implementing On-Site Cleanup and Disposal Guidelines**

Persons conducting a self-implementing cleanup of PCB remediation waste must provide information regarding site characterization, clean-up, verification, and a written notification and certification to the EPA and receive approval prior to implementing clean-up.

This checklist is intended to provide guidance to the applicant and assist with ensuring that the application and supporting documentation are complete and to the satisfaction of the approving personnel.

Because of the self-implementing nature of this option, it is important to start out with adequate, accurate information about the PCB concentrations at the site to provide both the EPA and the owner of the site knowledge on the effective methods to clean up the site. Site characterization may rely on historical sampling. Subpart N provides an optional method for collecting new data at a cleanup site, and for evaluating the completeness of historical data. Site characterization ultimately must be adequate to allow the EPA to assess the type and extent of contamination at the site and adequacy of the cleanup plan. Well-meaning, but incorrect, estimates or predictions of PCB concentrations have often taken cleanup actions by surprise during cleanup verification sampling. While Subpart N is optional for site characterization, Subpart O is required for cleanup verification sampling.

To avoid delays, please prepare your application with a thorough site characterization plan and a verification plan that strictly adheres to Subpart O.

**Regulatory Requirements of 40 CFR 761.61(a) Checklist**  
**PCC Structurals, Inc., Large Parts Campus**

[X] (1) **Applicability**

- (i) The self-implementing procedures may not be used to clean up:
  - (A) Surface or ground waters.
  - (B) Sediments in marine and freshwater ecosystems.
  - (C) Sewers or sewage treatment systems.
  - (D) Any private or public drinking water sources or distribution systems.
  - (E) Grazing lands.
  - (F) Vegetable gardens.

*The EPA acknowledged that the Notice does not propose to cleanup up sewers or sewage treatment systems, or surface or ground waters. However, run-off from the areas within the facility may have affected, or have the potential to affect, surface water and sewers or sewage treatment systems (whether storm water or sanitary sewers). While the EPA believes that the approved self-implementing cleanups at Areas A and B East will not pose an unreasonable risk of injury to health or the environment, will be requiring PCC Structurals to provide the EPA with any storm or sanitary sewer sampling data that may be generated at the facility. Should cleanup of sewers become necessary at some point in the future, such cleanup would need to be conducted under the authority of 40 Code of Federal Regulations (C.F.R.) § 761.61(c) (risk-based disposal approval).*

- [ ] (ii) The self-implementing cleanup provisions shall not be binding upon cleanups conducted under other authorities, including but not limited to, actions conducted under section 104 or section 106 of CERCLA, or section 3004(u) and (v) or section 3008(h) of RCRA.

- [ ] (2) **Site characterization.** Any person conducting self-implementing cleanup of PCB remediation waste must characterize the site adequately to be able to provide the information required by paragraph (a)(3) of this section. Subpart N of this part provides a method for collecting new site characterization data or for assessing the sufficiency of existing site characterization data.

- [ ] (3) **Notification and certification.**

- [ ] (i) At least 30 days prior to the date that the cleanup of a site begins, the person in charge of the cleanup or the owner of the property where the PCB remediation waste is located shall notify, in writing, the EPA Regional Administrator, the Director of the State or Tribal environmental protection agency, and the Director of the county or local environmental protection agency where the cleanup will be conducted. The notice shall include:

- [ ] (A) The nature of the contamination, including kinds of materials contaminated.

- [ ] (B) A summary of the procedures used to sample contaminated and adjacent areas and a table or cleanup site map showing PCB concentrations measured in all pre-cleanup characterization samples. The summary must include sample collection and analysis dates. The EPA Regional Administrator may require more detailed

information including, but not limited to, additional characterization sampling or all sample identification numbers from all previous characterization activities at the cleanup site.

- [ ] (C) The location and extent of the identified contaminated area, including topographic maps with sample collection sites cross referenced to the sample identification numbers in the data summary from paragraph (a)(3)(i)(B) of this section.
- [ ] (D) A cleanup plan for the site, including schedule, disposal technology, and approach. This plan should contain options and contingencies to be used if unanticipated higher concentrations or wider distributions of PCB remediation waste are found or other obstacles force changes in the cleanup approach.
- [ ] (E) A written certification, signed by the owner of the property where the cleanup site is located and the party conducting the cleanup, that all sampling plans, sample collection procedures, sample preparation procedures, extraction procedures, and instrumental/chemical analysis procedures used to assess or characterize the PCB contamination at the cleanup site, are on file at the location designated in the certificate, and are available for EPA inspection. Persons using alternate methods for chemical extraction and chemical analysis for site characterization must include in the certificate a statement that such a method will be used and that a comparison study which meets or exceeds the requirements of subpart Q of this part, and for which records are on file, has been completed prior to verification sampling.
- [ ] (ii) Within 30 calendar days of receiving the notification, the EPA Regional Administrator will respond in writing approving of the self-implementing cleanup, disapproving of the self-implementing cleanup, or requiring additional information. If the EPA Regional Administrator does not respond within 30 calendar days of receiving the notice, the person submitting the notification may assume that it is complete and acceptable and proceed with the cleanup according to the information the person provided to the EPA Regional Administrator. Once cleanup is underway, the person conducting the cleanup must provide any proposed changes from the notification to the EPA Regional Administrator in writing no less than 14 calendar days prior to the proposed implementation of the change. The EPA Regional Administrator will determine in his or her discretion whether to accept the change, and will respond to the change notification verbally within 7 calendar days and in writing within 14 calendar days of receiving it. If the EPA Regional Administrator does not respond verbally within 7 calendar days and in writing within 14 calendar days of receiving the change notice, the person who submitted it may deem it complete and acceptable and proceed with the cleanup according to the information in the change notice provided to the EPA Regional Administrator.
- [ ] (iii) Any person conducting a cleanup activity may obtain a waiver of the 30-day notification requirement, if they receive a separate waiver, in writing, from each of the agencies they are required to notify under this section. The person must retain the original written waiver as required in paragraph (a)(9) of this section.

- [ ] (4) *Cleanup levels.* For purposes of cleaning, decontaminating, or removing PCB remediation waste under this section, there are four general waste categories: bulk PCB remediation waste, non-porous surfaces, porous surfaces, and liquids. Cleanup levels are based on the kind of material and the potential exposure to PCBs left after cleanup is completed.
- [ ] (i) *Bulk PCB remediation waste.* Bulk PCB remediation waste includes, but is not limited to, the following non-liquid PCB remediation waste: soil, sediments, dredged materials, muds, PCB sewage sludge, and industrial sludge.
- [ ] (A) *High occupancy areas.* The cleanup level for bulk PCB remediation waste in high occupancy areas is  $\leq 1$  ppm without further conditions. High occupancy areas where bulk PCB remediation waste remains at concentrations  $> 1$  ppm and  $\leq 10$  ppm shall be covered with a cap meeting the requirements of paragraphs (a)(7) and (a)(8) of this section.
- [ ] (B) *Low occupancy areas.*
  - [ ] ( 1 ) The cleanup level for bulk PCB remediation waste in low occupancy areas is  $\leq 25$  ppm unless otherwise specified in this paragraph.
  - [ ] ( 2 ) Bulk PCB remediation wastes may remain at a cleanup site at concentrations  $> 25$  ppm and  $\leq 50$  ppm if the site is secured by a fence and marked with a sign including the  $M_L$  mark.
  - [ ] ( 3 ) Bulk PCB remediation wastes may remain at a cleanup site at concentrations  $> 25$  ppm and  $\leq 100$  ppm if the site is covered with a cap meeting the requirements of paragraphs (a)(7) and (a)(8) of this section.
- [ ] (ii) *Non-porous surfaces.* In high occupancy areas, the surface PCB cleanup standard is  $\leq 10 \mu\text{g}/100 \text{ cm}^2$  of surface area. In low occupancy areas, the surface cleanup standard is  $< 100 \mu\text{g}/100 \text{ cm}^2$  of surface area. Select sampling locations in accordance with subpart P of this part or a sampling plan approved under paragraph (c) of this section.
- [ ] (iii) *Porous surfaces.* In both high and low occupancy areas, any person disposing of porous surfaces must do so based on the levels in paragraph (a)(4)(i) of this section. Porous surfaces may be cleaned up for use in accordance with §761.79(b)(4) or §761.30(p).
- [ ] (iv) *Liquids.* In both high and low occupancy areas, cleanup levels are the concentrations specified in §761.79(b)(1) and (b)(2).
- [ ] (v) *Change in the land use for a cleanup site.* Where there is an actual or proposed change in use of an area cleaned up to the levels of a low occupancy area, and the exposure of people or animal life in or at that area could reasonably be expected to increase, resulting in a change in status from a low occupancy area to a high occupancy area, the owner of the area shall clean up the area in accordance with the high occupancy area cleanup levels in paragraphs (a)(4)(i) through (a)(4)(iv) of this section.

- [ ] (vi) The EPA Regional Administrator, as part of his or her response to a notification submitted in accordance with §761.61(a)(3) of this part, may require cleanup of the site, or portions of it, to more stringent cleanup levels than are otherwise required in this section, based on the proximity to areas such as residential dwellings, hospitals, schools, nursing homes, playgrounds, parks, day care centers, endangered species habitats, estuaries, wetlands, national parks, national wildlife refuges, commercial fisheries, and sport fisheries.
- [ ] (5) **Site cleanup.** In addition to the options set out in this paragraph, PCB disposal technologies approved under §§761.60 and 761.70 are acceptable for on-site self-implementing PCB remediation waste disposal within the confines of the operating conditions of the respective approvals.
- [ ] (i) **Bulk PCB remediation waste.** Any person cleaning up bulk PCB remediation waste shall do so to the levels in paragraph (a)(4)(i) of this section.
- [ ] (A) Any person cleaning up bulk PCB remediation waste on-site using a soil washing process may do so without EPA approval, subject to all of the following:
  - (1) A non-chlorinated solvent is used.
  - (2) The process occurs at ambient temperature.
  - (3) The process is not exothermic.
  - (4) The process uses no external heat.
  - (5) The process has secondary containment to prevent any solvent from being released to the underlying or surrounding soils or surface waters.
  - (6) Solvent disposal, recovery, and/or reuse is in accordance with relevant provisions of approvals issued according to paragraphs (b)(1) or (c) of this section or applicable paragraphs of §761.79.
- [ ] (B) Bulk PCB remediation waste may be sent off-site for decontamination or disposal in accordance with this paragraph, provided the waste is either dewatered on-site or transported off-site in containers meeting the requirements of the DOT Hazardous Materials Regulations (HMR) at 49 CFR parts 171 through 180.
- [ ] (1) Removed water shall be disposed of according to paragraph (b)(1) of this section.
- [ ] (2) Any person disposing off-site of dewatered bulk PCB remediation waste shall do so as follows:
- [ ] (i) Unless sampled and analyzed for disposal according to the procedures set out in §§761.283, 761.286, and 761.292, the bulk PCB remediation waste shall be assumed to contain  $\geq 50$  ppm PCBs.
- [ ] (ii) Bulk PCB remediation wastes with a PCB concentration of  $< 50$  ppm shall be disposed of in accordance with paragraph (a)(5)(v)(A) of this section.
- [ ] (iii) Bulk PCB remediation wastes with a PCB concentration  $\geq 50$  ppm shall be disposed of in a hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a

State authorized under section 3006 of RCRA, or a PCB disposal facility approved under this part.

- [ ] ( iv ) The generator must provide written notice, including the quantity to be shipped and highest concentration of PCBs (using extraction EPA Method 3500B/3540C or Method 3500B/3550B followed by chemical analysis using EPA Method 8082 in SW-846 or methods validated under subpart Q of this part) at least 15 days before the first shipment of bulk PCB remediation waste from each cleanup site by the generator, to each off-site facility where the waste is destined for an area not subject to a TSCA PCB Disposal Approval.
- [ ] (3) Any person may decontaminate bulk PCB remediation waste in accordance with §761.79 and return the waste to the cleanup site for disposal as long as the cleanup standards of paragraph (a)(4) of this section are met.
- [ ] (ii) Non-porous surfaces. PCB remediation waste non-porous surfaces shall be cleaned on-site or off-site for disposal on-site, disposal off-site, or use, as follows:
  - [ ] (A) For on-site disposal, non-porous surfaces shall be cleaned on-site or off-site to the levels in paragraph (a)(4)(ii) of this section using:
    - (1) Procedures approved under §761.79.
    - (2) Technologies approved under §761.60(e).
    - (3) Procedures or technologies approved under paragraph (c) of this section.
  - [ ] (B) For off-site disposal, non-porous surfaces:
    - (1) Having surface concentrations  $<100 \mu\text{g}/100 \text{ cm}^2$  shall be disposed of in accordance with paragraph (a)(5)(i)(B)( 2 )( ii ) of this section. Metal surfaces may be thermally decontaminated in accordance with §761.79(c)(6)(i).
    - (2) Having surface concentrations  $\geq 100 \mu\text{g}/100 \text{ cm}^2$  shall be disposed of in accordance with paragraph (a)(5)(i)(B)( 2 )( iii ) of this section. Metal surfaces may be thermally decontaminated in accordance with §761.79(c)(6)(ii).
  - [ ] (C) For use, non-porous surfaces shall be decontaminated on-site or off-site to the standards specified in §761.79(b)(3) or in accordance with §761.79(c).
- [ ] (iii) *Porous surfaces*. Porous surfaces shall be disposed on-site or off-site as bulk PCB remediation waste according to paragraph (a)(5)(i) of this section or decontaminated for use according to §761.79(b)(4), as applicable.
- [ ] (iv) *Liquids*. Any person disposing of liquid PCB remediation waste shall either:
  - (A) Decontaminate the waste to the levels specified in §761.79(b)(1) or (b)(2).
  - (B) Dispose of the waste in accordance with paragraph (b) of this section or an approval issued under paragraph (c) of this section.
- [ ] (v) *Cleanup wastes*. Any person generating the following wastes during and from the cleanup of PCB remediation waste shall dispose of or reuse them using one of the following methods:

- [ ] (A) Non-liquid cleaning materials and personal protective equipment waste at any concentration, including non-porous surfaces and other non-liquid materials such as rags, gloves, booties, other disposable personal protective equipment, and similar materials resulting from cleanup activities shall be either decontaminated in accordance with §761.79(b) or (c), or disposed of in one of the following facilities, without regard to the requirements of subparts J and K of this part:
  - (1) A facility permitted, licensed, or registered by a State to manage municipal solid waste subject to part 258 of this chapter.
  - (2) A facility permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste subject to §§257.5 through 257.30 of this chapter, as applicable.
  - (3) A hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA.
  - (4) A PCB disposal facility approved under this part.
- [ ] (B) Cleaning solvents, abrasives, and equipment may be reused after decontamination in accordance with §761.79.
- [ ] (6) *Cleanup verification* —
  - [ ] (i) *Sampling and analysis.* Any person collecting and analyzing samples to verify the cleanup and on-site disposal of bulk PCB remediation wastes and porous surfaces must do so in accordance with Subpart O of this part. Any person collecting and analyzing samples from non-porous surfaces must do so in accordance with subpart P of this part. Any person collecting and analyzing samples from liquids must do so in accordance with §761.269. Any person conducting interim sampling during PCB remediation waste cleanup to determine when to sample to verify that cleanup is complete, may use PCB field screening tests.
  - [ ] (ii) *Verification.*
    - (A) Where sample analysis results in a measurement of PCBs less than or equal to the levels specified in paragraph (a)(4) of this section, self-implementing cleanup is complete.
    - (B) Where sample analysis results in a measurement of PCBs greater than the levels specified in paragraph (a)(4) of this section, self-implementing cleanup of the sampled PCB remediation waste is not complete. The owner or operator of the site must either dispose of the sampled PCB remediation waste, or reclean the waste represented by the sample and reinitiate sampling and analysis in accordance with paragraph (a)(6)(i) of this section.
- [ ] (7) *Cap requirements.* A cap means, when referring to on-site cleanup and disposal of PCB remediation waste, a uniform placement of concrete, asphalt, or similar material of minimum thickness spread over the area where remediation waste was removed or left in place in order to prevent or minimize human exposure, infiltration of water, and erosion. Any person designing and constructing a cap must do so in accordance with §264.310(a) of this chapter, and ensure that it complies with the permeability, sieve, liquid limit, and plasticity index parameters in §761.75(b)(1)(ii) through (b)(1)(v). A cap of compacted soil shall have a minimum thickness of 25 cm (10 inches). A concrete or asphalt cap shall have a minimum thickness of 15 cm (6 inches). A cap must be of sufficient strength to maintain its effectiveness and integrity during the

use of the cap surface which is exposed to the environment. A cap shall not be contaminated at a level  $\geq 1$  ppm PCB per Aroclor™ (or equivalent) or per congener. Repairs shall begin within 72 hours of discovery for any breaches which would impair the integrity of the cap.

- [ ] (8) **Deed restrictions for caps, fences and low occupancy areas.** When a cleanup activity conducted under this section includes the use of a fence or a cap, the owner of the site must maintain the fence or cap, in perpetuity. In addition, whenever a cap, or the procedures and requirements for a low occupancy area, is used, the owner of the site must meet the following conditions:
  - [ ] (i) Within 60 days of completion of a cleanup activity under this section, the owner of the property shall:
    - [ ] (A) Record, in accordance with State law, a notation on the deed to the property, or on some other instrument which is normally examined during a title search, that will in perpetuity notify any potential purchaser of the property:
      - (1) That the land has been used for PCB remediation waste disposal and is restricted to use as a low occupancy area as defined in §761.3.
      - (2) Of the existence of the fence or cap and the requirement to maintain the fence or cap.
      - (3) The applicable cleanup levels left at the site, inside the fence, and/or under the cap.
    - [ ] (B) Submit a certification, signed by the owner, that he/she has recorded the notation specified in paragraph (a)(8)(i)(A) of this section to the EPA Regional Administrator.
  - [ ] (ii) The owner of a site being cleaned up under this section may remove a fence or cap after conducting additional cleanup activities and achieving cleanup levels, specified in paragraph (a)(4) of this section, which do not require a cap or fence. The owner may remove the notice on the deed no earlier than 30 days after achieving the cleanup levels specified in this section which do not require a fence or cap.
- [X] (9) **Recordkeeping.** For paragraphs (a)(3), (a)(4), and (a)(5) of this section, recordkeeping is required in accordance with §761.125(c)(5).

*The Notice does not address the cited recordkeeping requirements. PCC must ensure that recordkeeping is conducted in full compliance with the cited regulations.*